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16.1 Reasons for Establishing the CAP

The purpose of a Central Absentee Precinct (CAP) is to record, cast, and count all absentee ballots for an election in one central location rather than distributing them to each of the polling places.

Section [24.2-712](#) provides that central absentee precincts may be established for a county or city upon the enactment of an ordinance by the local governing body of a county or city. From time to time, local electoral boards inquire as to guidelines for establishing and operating such precincts. These procedures are provided in response to those inquiries.

A CAP is normally established for one or more of the following reasons:

- The number of absentee ballots is usually so great that processing them seriously delays the completion of required work at polling places and the reporting of results.
- The distance traveled in distributing ballots to polling places is so great or the terrain so difficult that ballots received on Election Day cannot be delivered before the polls close.

- Improved security of the ballots when it is necessary to transport them to only one nearby location for handling only by officers of election working at that central location.
- The secrecy of the ballot of the voter who is the only absentee voter in his precinct is preserved because his ballot is cast and counted with the ballots of all others in the county or city, who are voting like ballot types.
- A CAP facilitates providing in-person absentee voters with the opportunity to cast their ballot in a private and independent manner on accessible voting equipment. Accessible equipment must be used in all elections. Localities that do not have a CAP must still provide in-person absentee voters who are disabled with the opportunity to vote privately and independently. An AutoMark ballot marking device may be used to ensure this right in localities that do not have a CAP.

i Cost reduction is never a reason, as the establishment of a CAP will usually increase the cost of an election. Electoral board members should travel the county or city on each Election Day to monitor the performance of officers of election at polling places. Therefore, the only possible cost savings might be mileage incurred for extra trips to deliver late-received ballots; this saving normally would be more than offset by the cost for additional CAP officers.

16.2 Use in Town Elections

Section [24.2-712](#) only empowers the governing body of each county or city to establish a CAP for counting absentee ballots cast in the county or city. This section was amended during the recodification of election laws in 1993 to specifically remove the power of a town to establish a CAP. Since town elections are run by the county, not the town, a CAP may be established by the county for use in town elections. The County must designate the CAP for use in all elections or specify the CAP will be used in town elections.

16.3 Location of the CAP

The CAP only exists on Election Day. Prior to that time, in-person and by mail absentee voting are conducted in the office of the general registrar. However on Election Day, the room in which the CAP will be located must not be in the office of the general registrar. It should, however, be located as close to that office as possible. It must also meet certain other requirements:

- The room must be used for no other purpose on Election Day.
- It must be large enough to permit the proper organization of the required work and to hear the appeal of any absentee voter who may appear on Election Day.

- It must be equipped, on Election Day, with sufficient furniture (i.e. tables and chairs) for assigned officers of election and for organizing the precinct lists of Absentee Ballot Applicants and the ballots and accompanying material for each precinct.
- It must also contain one or more ballot containers.
- Barrier free access to citizens with disabilities must be provided (the CAP must meet the same accessibility standards as any other polling place).
- The CAP may be co-located with a regular polling place if there is sufficient space and the two polling places have "a separate room or separate and defined space" as required by [§24.2-306](#).
 - If co-located in the same room, the CAP officers may, on the request of the chief officer of the polling place (and with the consent of the CAP chief officer), assist the officers with such tasks as crowd control, but they may not handle ballots, operate machines, or perform any other tasks specifically related to the conduct of the election in that precinct.
 - CAP officers must still fulfill all their regular duties for the CAP, including that, "During the election, the exterior of the voting and counting equipment and every part of the polling place [i.e. the CAP] shall be in plain view of the officers of election" for the CAP. [§24.2-638](#).
 - *See*, GREB 16.5, 16.6 below.

16.4 How to Establish A CAP

The electoral board should take the following steps to establish a CAP:

- Determine that the CAP is needed and for which elections (e.g. to accommodate accessibility requirements for in-person absentee voting, the use of a CAP has become virtually indispensable).
- Find a suitable location for the CAP and ensure that it will be available whenever needed.
- Determine the projected cost of operating the CAP per election.
- Request that the local governing body of the county or city enact an ordinance establishing the CAP and provide to the local governing body the location of the recommended site and the funding required.
 - The ordinance enacted should state the elections for which the CAP is established.
 - In the absence of this designation in the ordinance, the CAP would be required in all elections.
-  The local governing body must give such public notice as is required prior to the adoption of this ordinance just as for any other ordinance.
- Forward a copy of the final adopted ordinance to the SBE immediately after enactment.

- Additionally, ensure that the ordinance is submitted immediately by the county or city attorney to the United States Department of Justice pursuant to the Federal Voting Rights Act
 - This is not required for a county or city with “bail out” status.
 - The CAP may be implemented when a response interposing no objection is received.
 - Forward a copy of the letter from the United States Department of Justice interposing no objection to the CAP to the SBE immediately upon receipt.
- Finally, submit to the SBE a completed *New Precinct form* ([SBE-15](#)) from the Forms Warehouse.

16.5 Staffing the CAP

At least three officers of election must be appointed to serve in the CAP. The Code provides localities with some flexibility in staffing the CAP. Although the Chief and Assistant Chief must be present all day, other officers may work split shifts. Also, the board may adopt a resolution delaying the opening of the CAP until "after 6:00 a.m. and at any time before noon" if it is located in the same building as the registrar's office. In that case, the office of the general registrar must be available to provide any service to walk-in absentee voters that would otherwise be available to them at the CAP. Any ballots or other documents brought to the office must be delivered by the board to the CAP. While the use of a CAP does require the board to incur the additional expense of three additional officers, the alternative may be more expensive.

- A greater number of Officers may be required to adequately perform the duties. Officers will be required to work in teams to cast and count the ballots. The Chief Officer should be free to organize the work of all and assure that each team follows proper procedures. The total number of officers needed is determined by the number of absentee ballots to be handled and/or the number of differing ballot styles.
(The number of absentee voters in previous, similar elections is available in the [election results](#) by precinct provided by SBE; they should also be on file in the office of the general registrar).
- The number of ballots handled by a locality that uses paper ballots for absentee voting will be influenced by the number of ballots that make up the ballot set given each absentee voter. For instance, a given November election may require four (or more) ballots per voter in a county: e.g., one for the Senate and the House of Delegates of Virginia; one for county constitutional officers; one for board of supervisors; and one for the statewide referendum questions. If a special election to fill a vacancy in local office is ordered, this could require a fifth ballot; if an order is received for a local referendum, this would require a sixth ballot. One team of two officers may count only one ballot at a time. Thus, the number of ballots in a ballot set will influence the number needed. Localities that use optical scan ballots should not have this issue with multiple ballot sets and therefore will not require as many officers of election.

- If all of the voters in the county or city do not vote in the same Congressional or State Senate or House of Delegates district, then paper ballot sets of different styles or optical scan ballots are used for each district or different combination of districts.

A given team of Officers may process only the paper ballots of one style or optical scan ballots of each district at a time. Given a sufficient number of different paper ballot styles, additional teams of Officers may be needed.

16.6 Equipment Requirements

The electoral board must determine the equipment needed in a CAP:

- Tables on which to organize the ballots for each precinct, both before and after processing
- Tables on which to organize lists of absentee ballot applicants, pollbooks and *Statements of Results* forms, both before and after processing
 - Separate paper pollbooks are required for each ballot style.
 - Adjust setup accordingly if EPBs are used.
- Tables and chairs, on which to organize oath forms and un-voted paper ballot sets (this table can also be used for any voter who appears seeking to vote in person on Election Day)
- Tables and chairs for each team of Officers
- Containers for processing applications and envelopes on each officer table
- One ballot container for each different style of paper or optical scan ballot

Since most of these activities are sequential rather than simultaneous, the same furniture can be utilized for several of the various functions.

16.7 Officers to Vote Absentee

The officers of election appointed to serve in a CAP must vote by absentee ballot as they are not permitted to leave the CAP on Election Day for any purpose, unless they are designated to work a split shift, an option that is not available to Chiefs and Assistant Chiefs.

They may apply and vote by mail or in person but must observe the same deadlines for doing so as all other absentee voters.

- ① An officer of election who is assigned to serve in a precinct other than the officer's precinct of residence after Noon on the Saturday before the election may apply for and vote absentee in person before 2:00 PM on the

day before the election at the office of the general registrar in the county or city in which he lives.

16.8 Pre-Election In-Person Absentee Voting on Voting Equipment

An electoral board may choose to allow for the casting of ballots for in-person absentee voters prior to Election Day on voting equipment if a CAP is used for that election. A person who votes using either a DRE or by inserting a voted ballot into the counter for optical scan equipment has cast his/her ballot prior to Election Day pursuant to [§ 24.2-707](#). The following guidelines are to be followed for in-person absentee voting:

- DRE or optical scan equipment may be used for in-person absentee voting at the registrar’s office once absentee voting is available even before the close of books (21 days before general and primary elections)¹.
- Any voting equipment used for in-person absentee voting for this purpose must be programmed and tested in the same manner as voting equipment used on Election Day. *See*, GREB 20; *see also*, [§§ 24.2-632](#) to [24.2-634](#).
- When entering the absentee application into VERIS, you must select that the application
 - **“Received by” method** is **“In Person,”**
 - **“Ballot Sent By”** is **“In Person,”**
 - **“Received By” method** is **“In Person,”**
 - **“Ballot Status”** is **“On Machine.”**

i This will capture the information that the voter has cast his/her ballot on voting equipment prior to election day and prevent the voter from voting again either by absentee ballot or in person on election day and also prevent a voter who transfers his/her registration from voting again in the new locality. 2011 legislation requires counting the ballots of any otherwise qualified absentee voter who dies after casting his ballot returned before election day. [Va. Code 24.2-709\(C\)](#). Disqualification for other reason such as felony conviction requires excluding the ballot from those to be counted if possible.

- A DRE or other accessible machine is specifically required for in-person absentee voting (This is because a CAP is officially a polling place and [§24.2-626.1](#) requires one accessible piece of voting equipment at each polling place).
 - When using a DRE or other accessible equipment, your electoral board should set policies concerning its use based upon factors specific to your locality. This would include factors such as if DREs are the sole voting equipment in use at your normal precincts and thus what voters are familiar with using,

whether or not the DRE will be used primarily by persons with a disability or who would otherwise need assistance in voting, if voters may have a choice of which type of equipment they use, etc. It is essential that you encourage a sufficient number of voters use the DRE to guarantee the secrecy of any one voter's vote. Therefore, you must ensure that if primarily persons with a disability (or who would otherwise need assistance) use the DRE, that multiple voters vote on the equipment.

- The SBE has no formal policy concerning who must or can use a DRE if one is used for in person absentee voting. This is a decision left to each local electoral board at this time. However, note that [§24.2-649](#) provides (in part): "Any qualified voter, who requires assistance to vote by reason of physical disability or inability to read or write, may, if he so requests, be assisted in voting." It also requires: "In any precinct in which an electronic voting device is available that provides an audio ballot, the officers of election shall notify a voter requiring assistance pursuant to this subsection that such equipment is available for him to use to vote in privacy without assistance and the officers of election shall instruct the voter on the use of the voting equipment. Nothing in this subsection shall be construed to require a voter to use the equipment unassisted."
- At least two officers of election representing each political party must be present if in person absentee voting on voting equipment is taking place at any location other than a registrar's or secretary of the electoral board's office. If the in person absentee voting on voting equipment is completed at the registrar's or secretary of the electoral board's office no officers of election are required but a registrar, assistant registrar, or the secretary of the electoral board must be present.

16.9 Training Officers of Election

The officers of election appointed to serve in a CAP must be trained specifically for their duties that differ from all Officers in in-person voting precincts.

16.10 Polling Place Arrangement

Officers of election should arrange the necessary furniture, equipment and materials in the room in which the CAP is located upon the arrival of all the Officers. The electoral board should immediately deliver to the Officers all applicant lists and voted ballots; the voted ballots should be sealed up in their unopened marked ballot envelope A; that sealed envelope A should be inside the voter's opened return envelope B.² A brief review should be conducted of the procedures to be followed and the materials to be handled. The general registrar may participate in this review provided one or more assistant registrars cover the registrar's office.³

² Templates for Envelopes A and B are available in Forms Warehouse.

³ Updated 07/07

The electoral board (and general registrar) should then leave the CAP and proceed to their other Election Day duties.

16.11 Hours to Be Observed

Generally, officers of election serving in a CAP must report on Election Day to the room in which the CAP is located (the polling place) no later than 5:15 AM and must remain until the results have been finally ascertained. However, [§ 24.2-712](#) provides that the local electoral board may allow that officers of election at a CAP “may be assigned to work all or a portion of the time that the precinct is open on election day.” This provision does not apply to the Chief Officer and Assistant Chief Officer who are “. . . on duty at all times.” Additionally, the Code was amended in 2008 to permit the CAP to be opened at 12 noon on Election Day, provided that the CAP is located in the same location (building) as the office of the general registrar and that the service normally obtainable in the CAP is available in the registrar’s office during the remaining hours when the CAP is not open.

The Lists of Absentee Ballot Applicants may be marked, voters checked in the EPB or their names entered into pollbooks, paper ballots of qualified voters cast into ballot containers, and optical scan ballots of qualified voters inserted into the tabulator throughout the day.

If any voter enters the CAP while the polls are open, the officers should take care to preserve the privacy and security of any absentee materials they are working on at that time.

As a polling place, the CAP is subject to the same requirements and restrictions regarding the presence of authorized representatives as any other polling place. [§ 24.2-604\(C\)](#).

Ballot containers may *not* be opened, and ballots may *not* be counted until after 7:00 PM. *No* results may be obtained from electronic machines or optical scan tabulators until after 7 P. M.